

**COPY**

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Filed for Record in  
HAMILTON COUNTY, INDIANA  
JENNIFER J HAYDEN  
11-22-2005 At 10:57 am.  
ORDINANCE 21.00

**ORDINANCE NO. 05-33**

**AN ORDINANCE OF THE TOWN OF WESTFIELD**

**AMENDING ORDINANCE NO. 04-32** *Instrument # 200400070450*

WHEREAS, The Town of Westfield, Hamilton County, State of Indiana (the "Town") is governed by a duly elected town council (the "Town Council"); and

WHEREAS, the Town operates a water utility and a sewer utility by and through the Town's Department of Public Works (the "Department");

WHEREAS, the Town Council desires to support and encourage economic development in areas that can be served by the Town's water and sewer utilities by making water and sewer service available to areas in which such services do not presently exist; and

WHEREAS, the Town Council desires to extend the Town's water and sewer mains and facilities and to recoup extension costs associated therewith; and

WHEREAS, the Town Council desires to amend Ordinance No. 04-32 by the addition of the language underlined and the removal of the language stricken through.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL THAT:

Section 1. The Town Council hereby establishes a policy to extend water and sewer mains and facilities, without an extension agreement from landowners or developers and at the Town's initial expense or a developer's initial expense, to undeveloped areas in which the Town has authority to serve. An agreement for each extension shall be approved by the Town Council and shall set forth subsequent connector fees established by the Town Council applicable to such extension, which shall be charged and collected in accordance with this Ordinance and the ordinance authorizing the extension to which a subscriber subsequently connects.

Section 2. Town Council hereby authorizes the Department to charge subsequent connector fees, based upon EDU's, as set forth in Ordinance 03-25 to subscribers, both developers and builders, that connect to extensions made under this Ordinance and the ordinance authorizing the extension to which the subscriber connects, in addition to other fees and charges collected by the Department. The Department shall adopt policies that uniformly apply to the collection of the subsequent connector fees. Subsequent connector fees shall not be reduced or waived without approval by the Town council after positive, negative or no recommendation by the Department.

Section 3. Proceeds from subsequent connector fees shall be considered payment toward the cost of construction of the mains and facilities for reimbursement to the Town or developer.

Section 4. Any developer choosing to be reimbursed under this Ordinance shall pay to the Town an administrative fee of \$10 per EDU. Such administrative fee shall be withheld by the Town from each monthly payment made to the developer until the Town is paid.

Section 5. The actions of the Town staff working under this Ordinance are to be deemed in conformity with Town policy.

Section 6. Any current Town policy in effect contrary to this Ordinance shall be deemed void. Any portion of this Ordinance that may be later deemed invalid shall not effect the remaining provisions.

Section 7. This Ordinance shall be in full force and effect in accordance with Indiana law, upon its passage by the Town Council, its publication in accordance with Indiana law, and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict therewith are hereby ordered repealed.


ADOPTED THIS 14 DAY OF Nov, 2005 BY THE WESTFIELD TOWN COUNCIL, HAMILTON COUNTY, INDIANA.

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## WESTFIELD TOWN COUNCIL

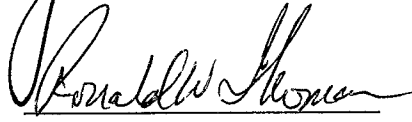
### Voting For

  
Teresa Otis Skelton

  
Jack Hart

David Mikesell

  
Bob Smith

  
Ron Thomas

### Voting Against

Teresa Otis Skelton

Jack Hart

David Mikesell

Bob Smith

Ron Thomas

### Abstain

Teresa Otis Skelton


Jack Hart

David Mikesell

Bob Smith

Ron Thomas

ATTEST:

  
Clerk-Treasurer, Cindy Gossard

This Ordinance prepared by  
Bruce Hauk, WPW Director

Reflects Changes

ORDINANCE NO. 05-33

AN ORDINANCE OF THE TOWN OF WESTFIELD  
AMENDING ORDINANCE NO. 04-32

WHEREAS, The Town of Westfield, Hamilton County, State of Indiana (the "Town") is governed by a duly elected town council (the "Town Council"); and

WHEREAS, the Town operates a water utility and a sewer utility by and through the Town's Department of Public Works (the "Department");

WHEREAS, the Town Council desires to support and encourage economic development in areas that can be served by the Town's water and sewer utilities by making water and sewer service available to areas in which such services do not presently exist; and

WHEREAS, the Town Council desires to extend the Town's water and sewer mains and facilities and to recoup extension costs associated therewith; and

WHEREAS, the Town Council desires to amend Ordinance No. 04-32 by the addition of the language underlined and the removal of the language stricken through.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL THAT:

Section 1. The Town Council hereby establishes a policy to extend water and sewer mains and facilities, without an extension agreement from landowners or developers and at the Town's initial expense or a developer's initial expense, to undeveloped areas in which the Town has authority to serve. An ~~ordinance~~agreement for each extension shall be approved by the Town Council and shall set forth subsequent connector fees established by the Town Council applicable to such extension, which shall be charged and collected in accordance with this Ordinance and the ordinance authorizing the extension to which a subscriber subsequently connects.

Section 2. Town Council hereby authorizes the Department to charge subsequent connector fees, based upon EDU's, as set forth in Ordinance 03-25, to subscribers, both developers and builders, that connect to extensions made under this Ordinance and the ordinance authorizing the extension to which the subscriber connects, in addition to other fees and charges collected by the Department. The Department shall adopt policies that uniformly apply to the collection of the subsequent connector fees. Subsequent connector fees shall not be reduced or waived without approval by the Town council after positive, negative or no recommendation by the Department.

Section 3. Proceeds from subsequent connector fees shall be considered payment toward the cost of construction of the mains and facilities for reimbursement to the Town or developer.

Section 4. Any developer choosing to be reimbursed under this Ordinance shall pay to the Town an administrative fee of \$10 per EDU. Such administrative fee shall be withheld by the Town from each monthly payment made to the developer until the Town is paid.

Section 5. The actions of the Town staff working under this Ordinance are to be deemed in conformity with Town policy.

Section 5-6. Any current Town policy in effect contrary to this Ordinance shall be deemed void. Any portion of this Ordinance that may be later deemed invalid shall not effect the remaining provisions.

Section 6-7. This Ordinance shall be in full force and effect in accordance with Indiana law, upon its passage by the Town Council, its publication in accordance with Indiana law, and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict therewith are hereby ordered repealed.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2005 BY THE WESTFIELD TOWN COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD TOWN COUNCIL

Voting For

Voting Against

Abstaining

\_\_\_\_\_  
Teresa Otis Skelton

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Teresa Otis Skelton

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Teresa Otis Skelton

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Jack Hart

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Jack Hart

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Jack Hart

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David Mikesell

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David Mikesell

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David Mikesell

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Bob Smith

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Bob Smith

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Bob Smith

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Ron Thomas

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Ron Thomas

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Ron Thomas

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer, Cindy Gossard

This Ordinance prepared by Jerry Rosenberger, Town Manager  
1000174v4

VA

**ORDINANCE 04-32**

**AN ORDINANCE OF THE TOWN OF WESTFIELD FOR  
EXTENSION OF THE WATER AND SEWER MAINS AND FACILITIES  
OF THE WESTFIELD DEPARTMENT OF PUBLIC WORKS**

**WHEREAS,** The Town of Westfield, Hamilton County, State of Indiana (the "Town") is governed by a duly elected town council (the "Town Council"); and

**WHEREAS,** the Town operates a water utility and a sewer utility by and through the Town's Department of Public Works (the "Department");

**WHEREAS,** the Town Council desires to support and encourage economic development in areas that can be served by the Town's water and sewer utilities by making water and sewer service available to areas in which such services do not presently exist; and

**WHEREAS,** the Town Council desires to extend the Town's water and sewer mains and facilities and to recoup extension costs associated therewith.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL  
THAT:**

**Section 1.** The Town Council hereby establishes a policy to extend water and sewer mains and facilities, without an extension agreement from landowners or developers and at the Town's initial expense, to undeveloped areas in which the Town has authority to serve. An ordinance for each extension shall be approved by the Town Council and shall set forth subsequent connector fees established by the Town Council applicable to such extension, which shall be charged and collected in accordance with this Ordinance and the ordinance authorizing the extension to which a subscriber subsequently connects.

**Section 2.** Town Council hereby authorizes the Department to charge subsequent connector fees to subscribers that connect to extensions made under this Ordinance and the ordinance authorizing the extension to which the subscriber connects, in addition to other fees and charges collected by the Department. The Department shall adopt policies that uniformly apply to the collection of the subsequent connector fees. Subsequent connector fees shall not be reduced or waived without approval by the Town Council after positive, negative or no recommendation by the Department.

**Section 3.** Proceeds from subsequent connector fees shall be considered payment toward the cost of construction of the mains and facilities.

**Section 4.** The actions of the Town staff working under this Ordinance are to be deemed in conformity with Town policy.

**Section 5.** Any current Town policy in effect contrary to this Ordinance shall be deemed void. Any portion of this Ordinance that may be later deemed invalid shall not effect the remaining provisions.

**Section 6.** This Ordinance shall be in full force and effect in accordance with Indiana law, upon its passage by the Town Council, its publication in accordance with Indiana law, and upon the passage of any applicable waiting period, all as provided by the laws of the State of Indiana. All ordinances or parts thereof that are in conflict herewith are hereby ordered repealed.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2004, BY THE WESTFIELD  
TOWN COUNCIL, HAMILTON COUNTY, INDIANA**

### **WESTFIELD TOWN COUNCIL**

<u><b>Voting For</b></u>	<u><b>Voting Against</b></u>	<u><b>Abstain</b></u>
_____ Teresa Otis Skelton	_____ Teresa Otis Skelton	_____ Teresa Otis Skelton
_____ Jack Hart	_____ Jack Hart	_____ Jack Hart
_____ David Mikesell	_____ David Mikesell	_____ David Mikesell
_____ Bob Smith	_____ Bob Smith	_____ Bob Smith
_____ Ron Thomas	_____ Ron Thomas	_____ Ron Thomas

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer, Cindy Gossard

This Ordinance prepared by  
Jerry Rosenberger, Town Manager